

O.A.St. 2387/2019 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 16/02/2021.

C.A.Nos. 501,502 & 503 of 2019 -

Heard Shri A.S. Shukla, Id. counsel for the applicants and Shri S.A. Sainis, Id. P.O. for the State.

2. In order dated 14/1/2021, in para-2 the Id. CPO was directed to supply e-mail id's of all the employees since they have been already appointed by the Department. However, today the Id. counsel points out that this information has not been supplied to him. The Id. P.O. is directed to supply the said information at an earliest.

S.O. three weeks.

Vice-Chairman

dnk.

O.A.1004/2019 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 16/02/2021.

Shri J.S. Wankhede, Id. counsel for the applicants and Shri M.I. Khan, Id. P.O. for R-1. Await service of R-2 to 7.

2. The learned counsel for the applicant desires further time to file service affidavit of R-2 to 7. At his request, **S.O. four weeks.**

Vice-Chairman

dnk.

O.A.882/2019 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 16/02/2021.

Heard Shri A.P. Sadavarte, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for R-1 to 3. None for other respondents.

2. The Id. P.O. files reply on behalf of R-1 to 3. It is taken on record. Copy is given to the Id. counsel for the applicant. The Id. counsel for the applicant desires to file rejoinder.

3. At the request of Id. counsel for the applicant, **S.O. 9/3/2021** for filing rejoinder.

Vice-Chairman

dnk.

O.A.998/2019 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 16/02/2021.

Heard Shri V.B. Gawali, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the State.

2. The learned counsel for the applicant submits that notices of respondent nos.2&3 have been returned back due to absence of pincode, therefore, he requested that fresh notices may be issued.

3. At the request of learned counsel for the applicant, issue fresh notice to the respondent nos.2&3 returnable **after four weeks**. Hamdast allowed.

4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

5. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

6. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative

Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

8. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

S.O. after four weeks.

Put up the matter along with other connected matter.

Vice-Chairman

dnk.

O.A.999/2019 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 16/02/2021.

Heard Shri V.B. Gawali, Id. counsel for the applicant and Shri V.A. Kulkarni, Id. P.O. for the State.

2. The learned counsel for the applicant submits that notices of respondent nos.2&3 have been returned back due to absence of pincode, therefore, he requested that fresh notices may be issued.

3. At the request of learned counsel for the applicant, issue fresh notice to the respondent nos.2&3 returnable **after four weeks**. Hamdast allowed.

4. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.

5. Applicant is authorized and directed to serve on Respondents intimation / notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Respondent is put to notice that the case would be taken up for final disposal at the stage of admission hearing.

6. This intimation / notice is ordered under Rule 11 of the Maharashtra Administrative

Tribunal (Procedure) Rules,1988, and the questions such as limitation and alternate remedy are kept open.

7. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.

8. In case notice is not collected within **three days** and if service report on affidavit is not filed **three days** before returnable date. Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.

S.O. after four weeks.

Put up the matter along with other connected matter.

Vice-Chairman

dnk.

O.A.609/2020 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 16/02/2021.

C.A. No. 56/2021 -

Heard Shri V.B. Gawali, Id. counsel for the applicant, Shri S.A. Sainis, Id. P.O. for R-1 to 3 and Shri S.M. Vaishnav, Id. counsel for R-4 to 14. None for other respondents.

2. For the reasons stated in the application, the C.A.No. 56/2021 for permission to add GAD as respondent no.1A is allowed. Necessary amendment be carried out within one week and amended copies be supplied to the other sides.

O.A.609/2020 -

S.O. one week.

Vice-Chairman

dnk.

O.A.755/2020 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 16/02/2021.

Shri V.B. Gawali, Id. counsel holding for
Shri S.P. Palshikar, Id. counsel for the applicant
and Shri V.A. Kulkarni, Id. P.O. for the
respondents.

At the request of Id. P.O., **S.O. three
weeks** for filing reply.

Vice-Chairman

dnk.

C.P. 31/2019 in O.A.35/2018 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 16/02/2021.

Heard Shri A.P. Khadatkar, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

2. The learned P.O. pointed out order of this Tribunal dated 12/10/2018 at page nos.9&10 of the Contempt Petition wherein direction was given to decide the matter within two months from the date of the order. In fact, the decision has already been taken vide order dated 3/11/2014 (A-R-2,P-19) which was communicated to the applicant also as per letter dated 16/2/2015 (A-R-1,P-18). In this situation, the contempt petition does not survive. However, the learned counsel for the applicant submits that he requires two weeks time to understand the order.

3. In view thereof, at the request of Id. counsel for the applicant, **S.O. one week.**

Vice-Chairman

dnk.

O.A.95/2019 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 16/02/2021.

Heard Shri K.V. Bhoskar, Id. counsel for the applicant and Shri P.N. Warjurkar, Id. P.O. for the respondents.

At the request of Id. P.O., the matter be kept before regular Division Bench as and when available.

Vice-Chairman

dnk.

O.A.212/2019 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 16/02/2021.

There is a leave note from Shri S.N. Gaikwad, Id. counsel for the applicant. Shri P.N. Warjurkar, Id. P.O. for the respondents.

At the request of Id. P.O., the matter be kept before regular Division Bench as and when available.

Vice-Chairman

dnk.

O.A.53/2015 (D.B.)

**Coram: Shri Shree Bhagwan,
Vice-Chairman.**

Dated : 16/02/2021.

None for the applicant. Shri P.N. Warjurkar, Id. P.O. for the respondents.

At the request of Id. P.O., the matter be kept before regular Division Bench as and when available.

Vice-Chairman

dnk.
**

O.A.No.261/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :16/02/ 2021.

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. As per submission made by the Id. counsel for the applicant on record, the respondent no. 3 submitted first proposal dated 17.08.2015 (Annexure-A-2, P.B., Pg. No. 9) to respondent no. 2 and calculated the interest of Rs. 1,78,023/- became due, due to delay in payment and that should be paid to the applicant as per M.C.S. Pension Rule, 1982, Section 129-A; the same proposal was forwarded by respondent no. 1 to respondent no. 2 vide letter dated 14.03.2016 (Annexure-A-3, P.B., Pg. No. 11 to 13) and amount was shown as Rs. 1,78,023/- as shown by respondent no. 3. Subsequently, respondent no. 3 has re-calculated the interest amount and fixed Rs. 1,58,430/-. However, as submission made by the Id. counsel for the applicant, this amount is also not paid to the applicant till today.

3. The Id. P.O. desires two weeks time to file reply, **S.O. three weeks.**

4. Steno copy is granted.

5. *Meanwhile, the Id. counsel for the respondent nos. 1 & 2 are at liberty to decide the proposal*

*submitted by respondent no. 3 as per M.C.S. Pension,
Rule 1982, Section 129-A.*

Date:-16/02/2021.
aps.

Vice Chairman

O.A.No.893/2019 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :16/02/ 2021.**

Heard Shri B.Kulkarni, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. At the request of Id. counsel for the applicant, **S.O. three weeks.**

Vice Chairman

Date:-16/02/2021.

aps.

O.A.No.1085/2019 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :16/02/ 2021.

Heard Shri P.S.Patil, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents.

2. The Id. P.O. has submitted correspondence dated 12.02.2021 by Desk Officer, Director of Technical Education, Mumbai; which is marked Exh. 'X' for the purpose of identification and in para no. 2 following remarks have been given:-

"I nj I qkfr vkdrhc/kk ekU; rk fnY; kurj jkT; krhy 'kk dh; vfhk; lf=dh egkfo |ky; krhy dlgh fo |k'kk[kke/; s vfrfjDr@vf/kl q; BjyY; k v/; ki dkpsvU; I lFkr cnyh@l ek; kst u dj.; kckcrpk i Lrko 'kkI u ekU; rdjhrk I knj dj.; kr vkyk vkgS"

3. The Id. counsel for the applicant desires time to go through the letter dated 12.02.2021 filed by Id. P.O., **S.O. 16.03.2021.**

Vice Chairman

Date:-16/02/2021.
aps.

O.A.No.42/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :16/02/ 2021.

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri P.N.Warjekar, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant submitted that some amendments have been made. However, some more correction is required. He is permitted to do the same. He is further directed to carry out the amendment properly within one week and supply the copy of the same to the Id. P.O.. The office is directed to accept the correction made by the Id. counsel for the applicant. **S.O. two weeks.**

Vice Chairman

Date:-16/02/2021.
aps.

O.A.No.162/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :16/02/ 2021.

C.A.No.90/2020:-

Heard Shri G.D.Asole, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant submits that due to some reason notice was not served to respondent no. 2. Hence, office is directed to issue fresh notice to the respondent no. 2.

3. The Id. P.O. has opposed for C.A. No. 90/2020 for Jt. O.A. on the ground that each applicants may be having different conditions because the G.R. on which the Id. counsel for the applicant is relying has laid down certain conditions to be fulfilled for the applicant. However, it will unnecessarily increase the number of O.As. because respondents may be asked to consider only those candidates who can fulfil the conditions and rest can be deleted.

4. **C.A. No. 90/2020 is allowed and disposed of.**

5. At the request of Id. P.O., **S.O. four weeks to file reply.**

6. Steno copy is granted.

Date:-16/02/2021.
aps.

Vice Chairman

O.A.No.262/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :16/02/ 2021.

Heard Shri A.R.Ingole, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the Respondents.

2. The Id. P.O. has filed reply on behalf of the respondent nos. 2 & 5. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the O.A..

3. Hence, the matter is **admitted** and kept for final hearing.

4. The Id. P.O. waives notices for the respondents.

5. Issue fresh notice to the respondent no. 3 on merit.

6. **S.O. four weeks.**

Vice Chairman

Date:-16/02/2021.
aps.

O.A.No.895/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :16/02/ 2021.

Heard Shri A.N.Rangari holding for Shri A.Mardikar, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. three weeks to file reply.**

Vice Chairman

Date:-16/02/2021.

aps.

O.A.No.932/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :16/02/ 2021.

C.A.No.45/2021:-

Heard Shri S.M.Khan and Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

2. The Id. counsel for the applicant Shri S.M.Khan has filed pursis dated 16.02.2021; as per the last line of the prayer it is mentioned that:-

"Either allow to withdraw the O.A. or allow me to withdraw my standing as counsel in this matter in the interest of justice."

3. Hence, **C.A. NO. 45/2021 stands disposed of** in view of the pursis filed by Shri S.M.Khan.

4. The Id. P.O. desires two weeks time to file reply, **S.O. 02.03.2021.**

Vice Chairman

Date:-16/02/2021.

aps.

O.A.No.569/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :16/02/ 2021.

Heard Shri R.V.Shiralkar, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. As per order dated 13.03.2020, the Id. counsel for the applicant has filed relevant G.R. dated 12.11.1994 (Annexure-A-8, P.B., Pg. No. 37) and corrigendum of the G.R. is at P.B., Pg. No. 43. As pointed out by Id. counsel for the applicant at P.B., Pg. No. 43, it is written that interest should be paid as per G.P.F. rate and it is mentioned that presently its rate is only 12% (compounding interest).

3. The Id. P.O. desires to file reply on this issue,
S.O. three weeks.

4. **Steno copy is granted.**

5. *However, respondents are at liberty to calculate every year interest as prescribed in the G.P.F. and decision taken by the G.R. dated 22.11.1994 and corrigendum at P.B., Pg. No. 43.*

Vice Chairman

Date:-16/02/2021.

aps.

O.A.Nos.621&622/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :16/02/ 2021.

Heard Shri Sharma holding for Smt. R.S.Sirpurkar, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

2. The Id. P.O. has filed reply on behalf of the respondent nos. 2 & 3. It is taken on record. Copy is served to the other side. He further submits that it is sufficient to decide the O.A..

3. Hence, the matter is **admitted** and kept for final hearing.

4. The Id. P.O. waives notices for the respondents.

5. **S.O. four weeks.**

Vice Chairman

Date:-16/02/2021.

aps.

O.A.No.718/2020 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :16/02/ 2021.

Heard Shri G.G.Bade, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. The Id. P.O. requested for four weeks to file reply. Since applicant is already retired; so matter will be heard on 16.03.2021, **S.O. 16.03.2021.**

3. *Meanwhile, respondents are at liberty to consider the representations dated 14.07.2017, 09.09.2017 & 18.09.2017, Annexure-A-3, P.B., Pg. Nos. 16 to 18.*

Vice Chairman

Date:-16/02/2021.
aps.

O.A.No.892/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :16/02/ 2021.**

C.A.No.42/2021:-

Heard Shri P.S.Kshirsagar, the Id. Counsel for the applicant and Shri A.M.Ghogre, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. two weeks to take instructions from the department.**

Vice Chairman

Date:-16/02/2021.
aps.

O.A.St.No.800/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :16/02/ 2021.**

C.A.No.178/2020:-

Heard Shri N.S.Warulkar, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. three weeks to file reply on C.A. for condonation of delay.**

Vice Chairman

Date:-16/02/2021.
aps.

O.A.No.792/2016 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :16/02/ 2021.**

Heard Shri S.S.Shingane, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. At the request of Id. P.O., **S.O. two weeks to file certain documents on record.**

Vice Chairman

Date:-16/02/2021.

aps.

O.A.No.927/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :16/02/ 2021.

Heard Shri P.P.Kotwal, the Id. Counsel for the applicant and Shri H.K.Pande, the Id. P.O. for the respondents.

2. At the request of Id. counsel for the applicant, **S.O. 18.03.2021.**

Vice Chairman

Date:-16/02/2021.

aps.

O.A.No.926/2017 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :16/02/ 2021.

None for the applicant. Shri H.K.Pande, the
Id. P.O. for the respondents. None for the respondent
nos. 5 to 8.

2. At the request of Id. P.O., **S.O. four weeks.**

Vice Chairman

Date:-16/02/2021.
aps.

O.A.No.85/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :16/02/ 2021.

Heard Smt. P.T.Joshi, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. At the request of Id. P.O., since Id. C.P.O. will appear in this matter, matter be taken up on 23.02.2021.

3. **S.O. 23.02.2021.**

Vice Chairman

Date:-16/02/2021.
aps.

Rev.No.15/2020 in O.A.No.544/2018 (S.B.)

Coram:Shri Shree Bhagwan, Vice Chairman
Dated :16/02/ 2021.

Heard Shri S.C.Deshmukh, the Id. Counsel for the applicant and Shri M.I.Khan, the Id. P.O. for the respondents.

2. The Id. P.O. has pointed out Judgment in O.A. No. 544/2018 and on P.B., Pg. No. 12 in para no. 9 G.R. dated 09.12.2016 was considered and as per the table of the G.R. order was passed. Now the Id. counsel for the applicant has filed review application and pointed out certain facts in G.R. dated 09.12.2016, which is below:-

“ojhyie.k.s eq k 1 I ekjhy jnn dY; kP; k vuqlakus ts depkjhe
vf/kdkjh gs fnukd 1-10-2006 rs fnukd 31-03-2010 ; k njE; ku
'kkl u l oru l okfuor >kys vkgr vFkok T; kps 'kkl u l or' dk; zj
vl rkuk l nj dkyo/th njE; ku fu/ku >kys vkgs R; k; kdMuu l qkfr
l okrxr vk'okl r ixrh ; kst upk nq jk ykHk eatjhckrP; k vVlph
i rzk >kY; kurj R; kuk osufuf' prtpk i R; {k ykHk gk QDr fuorRhoru
fo" k; d ykHkdfjrkp Eg.ktp fuorRhoru@clwqfuorRr mi nku@er; q
mi nku r l p j tk jk[khdj.k] ; k ykHk eatjHP; k iz kst ukFIZvuks jkghy-
l ai/kr vf/kdkjh@depkjhe ; kuk nq jk ykHk eatjHP; k vuqlakus
FkdckdhpjDde vuks jkg.kkj ukgh-”

3. In view of the decision in above para, review application is allowed. Since, the applicant is retired on superannuation on 22.02.2010 and for retirement benefits decision should be taken as per above para only. **Hence, review application is allowed and O.A. is restored for final hearing.**

4. S.O. 09.03.2021.

Date:-16/02/2021.
aps.

Vice Chairman

O.A.No.511/2020 (S.B.)

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :16/02/ 2021.**

Heard Smt. P.T.Joshi, the Id. Counsel for the applicant and Shri V.A.Kulkarni, the Id. P.O. for the respondents.

2. At the request of Id. counsel for the applicant, **S.O. 23.02.2021.**

3. I.R. to be continued.

Vice Chairman

Date:-16/02/2021.
aps.

**O.A.Nos.809, 810, 811, 812, 813, 814, 815, 816,
817, 818, 819, 820, 821 & 822/2017:- (S.B.)**

**Coram:Shri Shree Bhagwan, Vice Chairman
Dated :16/02/ 2021.**

Heard Ms. M.Iyer, the Id. Counsel for the applicant and Shri S.A.Sainis, the Id. P.O. for the respondents. Shri H.D.Marathe holding for Shri N.A.Palshikar, the Id. counsel for the respondent no. 3 in O.A. Nos. 817/2017 & 822/2017.

2. The Id. P.O. has filed communication from respondents dated 21.10.2020. It is taken on record. Copy is served to the other sides.

3. **S.O. 23.02.2021.**

4. **Matter be treated as P.H.**

Vice Chairman

Date:-16/02/2021.
aps.